

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4067

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 20. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

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Bill Number:

HB 4067 (Lori) Family law; paternity; paternity of a child born to a married woman; allow to be established in a man other than the husband. Amends secs. 1, 4 & 6 of 1956 PA 205 (MCL 722.711 et seq.).

Date position was adopted:

January 29, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

20 Voted for position

0 Voted against position

0 Abstained from vote

1 Did not vote

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

HB 4067 is a reintroduction of a bill to provide limited standing to biological fathers of children born in wedlock. The biological father must file an action within a year of the child's birth, and the case must meet one of three criteria: 1) the mother and putative father mutually and openly acknowledge that he is the biological father; 2) at the time of conception the mother was not married or was legally separated from her husband; or 3) the mother acknowledges in writing the father's biological relationship and the putative father has had parenting time with the child with the mother's consent. In all cases the paternity of the putative father must be established by DNA testing.

The Family Law Section supports this bill and suggests broadening standing under certain circumstances: 1) Where the child was conceived after an extended separation from the husband; 2) where there is no marriage and the biological father has been foreclosed by an acknowledgment of parentage.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2011-HB-4067>